

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

**IN THE MATTER OF:**

**THE CITY OF AYRSHIRE WATER  
TREATMENT PLANT  
NPDES Permit #7405000**

**ADMINISTRATIVE CONSENT  
ORDER  
NO. 2015-WW- 02**

**TO:** City of Ayrshire WTP  
1502 Silver Lake Ave,  
Ayrshire, IA 50515

**I. SUMMARY**

This administrative consent order (Order) is entered into between the City of Ayrshire (Ayrshire) and the Iowa Department of Natural Resources (DNR) for the purpose of establishing a construction schedule to construct necessary treatment facilities to treat or eliminate the discharge of wastewater from the Ayrshire water treatment plant. Pursuant to this Order, Ayrshire shall comply with the construction schedule contained herein.

Any questions regarding this Order should be directed to:

**Relating to technical requirements:**

Julie Faas  
NPDES Permits Section  
Iowa Department of Natural Resources  
Henry A. Wallace Building  
Des Moines, Iowa 50319-0034  
Ph. 515-725-8409

**Relating to this Order:**

Carrie Schoenebaum, Attorney  
Legal Services Bureau  
Iowa Department of Natural Resources  
Henry A. Wallace Building  
Des Moines, Iowa 50319-0034  
Ph. 515-725-8244

**II. JURISDICTION**

This Order is issued pursuant to Iowa Code section 455B.175(1) which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part 1, and the rules promulgated or permits issued pursuant thereto.

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**III. STATEMENT OF FACTS**

1. Ayrshire owns and operates a drinking water treatment plant. The water treatment plant processes well water to remove iron, filter the water, disinfect and otherwise provide treatment to render the water potable. The drinking water treatment process results in a discharge of wastewater to a storm sewer which discharges to waters of the state.

2. An NPDES permit is required for the discharge of wastewater by the Ayrshire water treatment plant. Ayrshire has not previously obtained a permit for this discharge.

3. The DNR proposes to issue NPDES Permit No. 74-05-0-00 for this facility. The permit, as proposed, will specify effluent limitations for total suspended solids (TSS), pH, total residual chlorine (TRC), and total iron. The proposed TSS limits are technology-based limits developed on the basis of best professional judgment. All other limits are derived from the Iowa water quality standards.

4. Limited data is available to characterize the existing discharge but it is expected that Ayrshire will need to either install treatment or eliminate the discharge in order to comply with the currently proposed permit.

5. The DNR and Ayrshire agree that a schedule is both necessary and appropriate to allow the facility time to: (1) adequately characterize the discharge to obtain data for use in design of treatment facilities; and, (2) provide time to change operations or construct facilities that will allow compliance with the final limits.

**IV. CONCLUSIONS OF LAW**

The DNR and Ayrshire agree that the following Conclusions of Law are applicable to this matter:

1. Iowa Code section 455B.186 prohibits the discharge of pollutants into waters of the state, except for adequately treated pollutants discharged pursuant to a permit.

2. Iowa Code section 455B.173(3) authorizes and requires the Environmental Protection Commission (Commission) to promulgate rules relating to the operation of waste disposal systems, the discharge of pollutants into waters of the state, and the issuance of permits to waste disposal systems. The Commission has done so at 567 IAC 60 through 69. Subrule 64.3(1) prohibits the operation of a waste disposal system without or contrary to the terms of a permit. Subrule 64.6 specifies the conditions that are to be included in a permit, including applicable effluent limitations as established in chapters 61 and 62 of the rules.

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3. Both federal and state rules and regulations allow a facility time to comply when a new or more stringent effluent limitation is specified in a permit {See 40 CFR §122.47 and IAC 567-64.7(4)}. Any schedule of compliance must require compliance as soon as possible but not later than the statutory deadlines specified in the Clean Water Act.

4. Clean Water Act §301 requires that compliance with effluent limitations established on the basis of CWA §301(b)(1) (a)(i) [BPT], (2)(A)(i) [BAT] or (2)(E) [BCT] be achieved no later than July 1, 1977, March 31, 1989 and March 31, 1989 respectively. The proposed effluent limitations for TSS are technology-based limits that represent BPT/BCT and compliance was required by March 31, 1989.

**V. ORDER**

The DNR and Ayrshire hereby agree, and Ayrshire is hereby ordered to make operational changes and/or construct facilities to comply with the final effluent limitations for total suspended solids, total iron and total residual chlorine as established in NPDES permit No. 74-05-0-00, according to the following schedule:

1. Ayrshire shall submit a preliminary engineering report and plans and specifications for the necessary operational changes and/or construction of facilities to the DNR Water Supply Engineering Section by 12 months after the issuance of its NPDES permit.

2. 24 months after Ayrshire's NPDES permit is issued it shall complete operational changes and construction of facilities to comply with the final effluent limitations for total suspended solids, total iron and total residual chlorine. Ayrshire shall provide written notice of compliance to the DNR.

3. 24 months after Ayrshire's NPDES permit is issued it shall comply with the final effluent limitations for total suspended solids, total iron and total residual chlorine as established in NPDES permit No. 74-05-0-00. Ayrshire shall provide written notice of compliance to the DNR.

**VI. PENALTY**

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to \$5,000.00 per day of violation for the violations involved in this matter.

2. Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000 that may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties at 567 IAC chapter 10. The DNR has determined that a penalty is not

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appropriate at this time. Ayrshire will not realize any economic benefit because the compliance schedule has been determined to constitute the shortest reasonable time to achieve compliance. The DNR finds no gravity or culpability basis for a penalty at this time.

3. The DNR is authorized to issue an administrative order with penalties for noncompliance with this Order or to refer such noncompliance to the Iowa Attorney General for the initiation of a District Court action seeking such penalties and injunctive relief.


**VII. WAIVER OF APPEAL RIGHTS**

Iowa Code section 455B.175(1) and 561 IAC 7.4(1), as adopted by reference by 567 IAC chapter 7, authorize a written notice of appeal to the Commission. This Order is entered into knowingly by and with the consent of Ayrshire. By signing this Order, all rights to appeal this Order are waived.

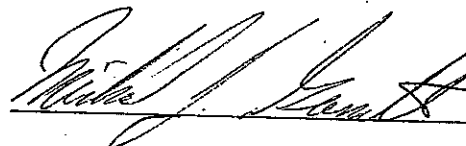
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VIII. NONCOMPLIANCE

Compliance with section V of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order. Failure to comply with this Order may result in the imposition of administrative penalties pursuant to an administrative order or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191.

  
CHUCK GIPP, DIRECTOR  
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 5<sup>th</sup> day of  
March, 2015

  
Mayer  
CITY OF AYRSHIRE  
2015

Dated this 3 day of  
MARCH, 2015

NPDES #7405000; Field Office #3; Carrie Schoenebaum; EPA; WES; I.B.2.c

